

REMARKS

In an Official Action dated July 27, 2005, the Examiner rejected claims 1-38 as obvious in light of Japanese publication JP403-163245 in combination with U.S. Pat. No 4,957,471 to St. John. Additionally, the Examiner rejected the pending claims under obvious-type double patenting over U.S. Pat. No. 6,855,079 in view of St. John '471. Applicants request that the Examiner reconsider the rejection in light of the following discussion.

In the Official Action, the Examiner recognized that Japanese publication JP403-163245 does not teach or suggest a tensioner having a reversible biasing element and an indicator indicating the direction of the bias of the biasing element in the tensioner. The Examiner believes that this shortcoming in the Japanese publication is filled with the teaching in St. John '471. However, it does not.

St. John '471 is directed to ensuring that the proper magnitude of tension is provided by the tensioner. There is no teaching or suggestion in St. John that the biasing element in the tensioning device can be reversed. Therefore, there is no teaching or suggestion of why one would want to indicate the direction of tension provided by the biasing element. In other words, St. Johns is concerned with the magnitude of the tension, not the direction of the tension.

In contrast, Applicants have developed a modular tensioning device that can be utilized in a variety of applications. One of the features of the device is that the biasing element can be reversed to a different direction for different applications. If the biasing element is set to the wrong direction, the tensioner may still provide tension in the desired direction, but the stress on the biasing element may lead to premature failure. In other words, the spring may create a biasing force under either tension or

compression, but in one of the directions (typically the bias created by tension) the biasing element is more subject to failure. The problem is that once the device is assembled, the user may not be able to determine which direction the biasing element was installed.

To ensure that the user knows that the biasing element is set to the proper direction, Applicants incorporated an indicator that readily shows the user the direction of bias provided by the biasing element. Further, still, as set forth in several of the dependent claims, the indicator is configured so that it cooperates with a portion of the biasing element to ensure that the indicator is installed correctly. For instance, claim 6 indicates that the indicator is cooperable with a portion of the biasing element such that the biasing element impedes connection of the indicator to the housing in the first orientation when the biasing element is in the second orientation. Clearly, St. John '471 does not teach such features, and the Official Action does not even address such features.

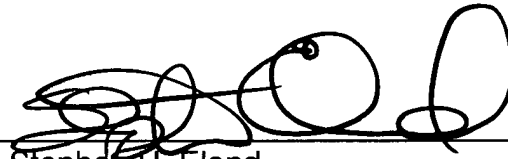
Since St. John '471 does not fill the shortcomings of Japanese publication JP403-163245, claims 1-38 are patentable over the prior art of record. For similar reasons, the double patenting rejection of claims 1-38 over U.S. Pat. No. 6,855,079 in light of St. John '471 is inappropriate.

In light of the foregoing, Applicant believes that this application is in form for allowance. The Examiner is encouraged to contact Applicant's undersigned attorney if the Examiner believes that issues remain regarding the allowability of this application.

Respectfully submitted,

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By


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Petition for Extension Under 37 CFR §1.136(a)

Applicant's undersigned Attorney hereby petitions for an extension of time of **THREE** months beyond the time period set in the last office communication. The proper fee is enclosed as identified in the enclosed Fee Transmittal form.

January 27, 2006
Date of Certificate


Stephen H. Eland
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